



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Douglas W. Akers)
)
Serial No.: 09/932,531)
)
Filed: 08/17/01)
)
Attorney Docket: B-124)
)
For: Method and Apparatus for)
Photon Activation Positron)
Annihilation Analysis)
)

Examiner: Palabrica

Group Art Unit: 3641

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RESPONSE TO ELECTION REQUIREMENT

Box Non-Fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the restriction/species election requirement of January 18, 2002, Applicant elects the Group I invention without traverse.

With respect to the species election requirement associated with the election of the Group I invention, Applicants traverse the statement that "no claim is generic" and respectfully assert

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Date: January 31, 2002

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MANDY LANDON

(Type or print name of person certifying)

Mandy Landon

Signature

that claims 1 and 8 are generic claims since these claims are not limited to specific photon sources.

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In support of Applicant's assertion it should be noted that independent claim 1 is not limited to a specific photon source, rather dependent claims 2 and 3 include a further limitation (to claim 1) that the photon source is an electron accelerator/target; while dependent claim 4 includes a limitation that the photon source (of claim 1) is an isotopic source. For the same reason, it is believed that claim 8 is also generic for the Group I invention.

Notwithstanding the generic nature of claims 1 and 8, Applicant believes that claims 1-3, and 5-8 are readable on the elected species B (i.e., wherein the photon source comprise an electron accelerator).

RESPECTFULLY SUBMITTED,

By Alan D. Kirsch
Alan D. Kirsch
Patent Attorney
Reg. No. 33, 720
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(208)-526-1371

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Assistant Commissioner for Patents
Washington, D.C. 20231

B-124, "METHOD AND APPARATUS FOR PHOTON ACTIVATION POSITRON
ANNIHILATION ANALYSIS"

Reference: S/N: 09/932,531
Filing Date: 08/17/01

Dear Sir:

Enclosed is a Response, including Certificate of Mailing, and a return receipt postcard.

Sincerely,

Mandy Landon

Mandy Landon
Executive Assistant
BWI Legal Services

IL

enclosures